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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Oleg Shikhman et al)
SERIAL NUMBER: 10/037,899) Group Art Unit: 3731
FILED: October 22, 2001) Before the Examiner:
FOR: CRIMPING AND CUTTING DEVICE) Jessica Baxter

PETITION TO PERMIT THE FILING OF A COMPLIANT BRIEF EFFECTIVE THE
MAILING OF THIS PETITION UNDER 37 C.F.R. 41.3

Chief Administrative Patent Judge
P.O. Box 1450
Alexandria, VA 22314-1450

Sir:

Responsive to a notice of non-compliant brief mailed October 31, 2005, the Applicant's submit the present brief in compliance with 37 CFR 41.37. As will be noted below, the Examiner's Notice of Abandonment currently prevents the Applicants from directly submitting the compliant brief effective February 28, 2006 with a three month extension of time, as should be the Applicant's right under USPTO rules. The present petition asks for relief from the Examiner's actions, which prevent direct filing on that date with the proper extension of time.

We assert, that as indicated by the October 31, 2005 notice (and as will be discussed, as indicated by 37 CFR 41.37 (d) and (e) and MPEP 1205.03), extensions of time may be granted under 37 C.F.R. 1.136. Attached hereto is a petition for extension of time to file the compliant brief, extending the deadline from November 31, 2005 to February 28, 2006 (the present date).

It is noted that the time limits governing the filing of briefs on appeal are non-statutory, and thus are governed solely by USPTO rules.

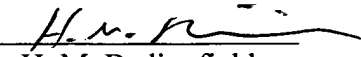
The timing of the filing of an amended brief in response to a notice of non-compliance is governed by 37 C.F.R. 41.37(d) and (e), and is discussed at MPEP 1205.03. MPEP 1205.03 indicates that the time limit for response will be set at one month or 30 days from the mailing of the notice, whichever is longer. 37 C.F.R. 41.37(e) states that the "time periods set forth in this section are extendable under the provisions of 1.136 of this title for patent applications..." Copies of the relevant documents are attached hereto.

Accordingly, the Applicant petitions for acceptance of the present compliant brief as of February 28, 2006 with a three month extension of time. The Examiner's actions injure the Applicants ability to file effective February 28, 2006. Relief is requested effective February 28, 2006.

Please charge the petitions fee of \$400 to deposit account 06-1130, maintained by the applicant's attorneys. If there are any additional charges with respect to this petition, please charge them to deposit account 06-1130, maintained by the applicant's attorneys.

Respectfully Submitted,

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Dated: February 28, 2006
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